

REMARKS / ARGUMENTS

New claims 25-28 replace claim 24. Claims 25, 26 and 27 read on the elected type of cancer. Applicants' previous response indicates that imatinib is the elected anticancer agent, and all claims read on this. However, Applicants believe that the previous response was incorrect in that all of the claims relate to the use of imatinib to overcome BCRP-mediated resistance to anticancer agents and that a species of anticancer agent that is subject to BCRP-mediated resistance should have been elected. If that is the case, Applicants now elect topotecan as the anticancer agent. Claims 25, 26, 27 and 28 read on the instance where topotecan is the anticancer agent.

The new claims are supported by the original claims and specification.

Applicants believe that new claim 25 overcomes the objection to claim 24.

Claim 24 was rejected under 35 USC 103(a) over Bilodeau et al in view of Zimmerman. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

Bilodeau et al broadly discloses that tyrosine kinase inhibitors may be used in conjunction with other anticancer agents for treating cancers that include osteosarcoma. However, as recognized by the Examiner, Bilodeau does not disclose that imatinib could be used as an agent to overcome BCRP-mediated resistance to those anticancer agents.

Zimmerman indicates generally that imatinib is useful for overcoming multidrug resistance, but does not specify which of the mechanisms of drug resistance can be overcome or prevented by imatinib. The cited disclosure in Zimmerman may lead the skilled artisan to expect that imatinib interferes with at least some of the drug resistance mechanisms, but it does not indicate which ones. It does not contain disclosure that would lead the skilled artisan to expect that imatinib would interfere with the breast cancer resistance protein (BCRP) efflux pump to prevent or reverse resistance caused by this specific mechanism. However, the present claims are limited to the use of imatinib to overcome drug resistance due to the BCRP

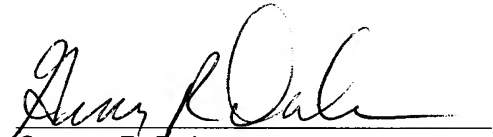
efflux pump. Therefore, Zimmerman does not provide the disclosure missing from the primary reference.

For the reasons discussed above, Applicants request withdrawal of the rejection under 35 USC 103(a) over Bilodeau et al in view of Zimmerman.

Entry of this amendment and allowance of the claims are respectfully requested.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George R. Dohmann", is written over a horizontal line.

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